

## **REMARKS**

### **Claim Rejection Under 35 U.S.C. § 101**

In the Office Action dated January 4, 2005, the Examiner rejected claims 1-9 under 35 U.S.C. 101 as claiming the same invention as that of claims 1-9 of prior U.S. Patent No. 6,605,170, a double patenting rejection.

Applicant respectfully submits that the claims as currently amended are not "of the same invention." As such, the Examiner's rejection under 35 U.S.C. 101 should be withdrawn and the claims passed to an expedient issuance.

### **Terminal Disclaimer**

In response to the Office Action mailed January 4, 2005, Applicant submits herewith a Terminal Disclaimer which disclaims that portion of the term over any patent which may issue on the parent application, U.S. Serial No. 10/180,715, now U.S. Patent No. 6,605,170.

### **Conclusion**

It is respectfully submitted that this application, as now amended, is in condition for allowance for the reasons stated above. Therefore, it is requested that the Examiner reconsider each and every rejection as applicable to the claims now pending in the application and pass such claims to issue.

This amendment is intended to be a complete response to the Office Action dated January 4, 2005. In the event that any outstanding issues remain that would delay the allowance of this application, the examiner is urged to contact the undersigned to **telephonically** discuss such outstanding issues.

Respectfully submitted,



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